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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Von Herzen et al. Art Unit : 3628
Serial No. : 09/741,136 Examiner : Poinvil, F.
Filed : 12/15/2000
Title : Electronically Transmitted Payment System

OFFICIAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

The Office issued an Office Action dated March 30, 2004, containing a restriction requirement, to which assignee responded on May 28, 2004, electing the invention of Group I, consisting of claims 1-42 and 61. However, after a more close review of the file today, assignee's undersigned attorney noticed that the restriction requirement incorrectly stated that claims 1-61 were pending. In a preliminary amendment filed with the application, applicant canceled claims 1-61 and replaced them with claims 62-90. The pending claims all appear directed to rebate subject matter, and it does not appear that any restriction requirement along the lines of the one contained in the March 30, 2004, Office Action would be appropriate or required.

Accordingly, assignee withdraws the election of Group I in the response to the restriction requirement filed May 28, 2004, and requests that the examiner withdraw the Restriction Requirement in the March 30 paper.

In further reviewing the file, the undersigned noticed typographic or minor errors in claims 66, 71, and 80 and on page 1 of the specification, and fixes are submitted by amendment.

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| <p><u>Certification Under 37 C.F.R. §§1.6, 1.8</u> I hereby certify that this paper is being sent to the Commissioner for Patents this 17th day of August, 2004, before midnight Eastern time, via facsimile, fax No. 703-872-9306, by: (name) <u>Donald L. Hertz</u> (signature) </p> |
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